

#12

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		<b>Docket Number (Optional)</b> S0351/186588
First named inventor: Burns		
Application No.: 09/336,328		Group Art Unit: 1653
Filed: June 18, 1999		Examiner: Moezie
Title: COMPOSITIONS SUITABLE FOR CONTROLLED RELEASE OF THE HORMONE GNRH AND ITS ANALOGS		
Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
1. Petition fee <input type="checkbox"/> Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$1300.00 (37 CFR 1.17(m))		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>Response to Office Action</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____. <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee of \$ _____ <input type="checkbox"/> has been paid previously on _____. <input type="checkbox"/> is enclosed herewith.		

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

May 7, 2003

Date



Signature

Telephone  
Number: (404) 815.6218

Bruce D. Gray

Typed or printed name

Kilpatrick Stockton LLP

Address

1100 Peachtree Street  
Atlanta, GA 30309

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other : \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

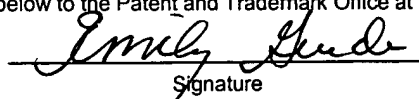
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

May 7, 2003

Date



Signature

Emily Guida

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Burns

SERIAL NO.: 09/336,328

GROUP ART UNIT: 1653

FILED: June 18, 1999

EXAMINER: Moezie

FOR: COMPOSITIONS SUITABLE FOR CONTROLLED RELEASE OF THE  
HORMONE GNRH AND ITS ANALOGS

ATTORNEY DOCKET NO.: S0351/186588

I hereby certify that this correspondence is being deposited with the United States Postal Service as certified first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 7, 2003.

1450, Alexandria, VA 22313-1450, on May 7, 2003.

Emily Gunde

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DATE: May 7, 2003

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PETITION UNDER 37 C.F.R. § 1.137(b)

Sir:

## STATEMENT OF FACTS

This application was abandoned by Notice of Abandonment dated May 9, 2001, for failure to respond to the Office action dated September 21, 2000. Because (1) Applicants' representative never received the Notice of Abandonment and because of a misunderstanding on the part of Applicants' representative as to whether instructions not to proceed with PCT national phase entry included this U.S. application, the entire delay in providing this reply was unintentional.

RELIEF REQUESTED

Applicants respectfully request that this application be revived under 37 C.F.R. § 1.137(b) and restored to pending status. A response to the Office action is enclosed herewith.

A check for \$1300.00 is enclosed herewith.

Please charge any fees in connection with this filing to Deposit Account No. 11-0855.

Respectfully submitted,



Bruce D. Gray  
Reg. No. 35,799

Date: May 7, 2003

KILPATRICK STOCKTON LLP  
Suite 2800, 1100 Peachtree Street  
Atlanta, Georgia 30309-4530  
(404) 815-6218